

WHITEMAN, BANKES & CHEBOT, LLC
Jeffrey M. Chebot (JC8441)
Suite 210, Constitution Place
325 Chestnut Street
Philadelphia, Pennsylvania 19106
Tel. (215) 882-3660
Fax (215) 829-0059
email: jchebot@wbc-lawyers.com

Attorneys for Plaintiff Prometo Produce Corp.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	
PROMETO PRODUCE CORP.,	:
	:
Plaintiff,	:
	:
v.	:
	:
PRODUCE DEPOT USA LLC,	:
GAETANO BALZANO a/k/a GUY	:
BALZANO, LUIS RUELAS, MICHAEL	:
E. FELIX, YOLANDA RUSSO and	:
BOOK 3 LLC,	:
	:
Defendants.	:
-----X	

Case No.: 21-cv-6131-PGG-KHP

**STIPULATION OF VOLUNTARY
DISMISSAL UNDER FED. R. CIV. P.
41(a)(1)(A)**

This stipulation (the "Stipulation") is by and between plaintiff Prometo Produce Corp. (also "Plaintiff Prometo" or "Prometo" or "Plaintiff/Counter-Defendant Prometo"), by and through its attorneys of record, Whiteman, Bankes & Chebot, LLC, Jeffrey M. Chebot appearing, and defendants Produce Depot USA LLC ("Produce Depot"), Gaetano Balzano a/k/a Guy Balzano ("Balzano"), Luis Ruelas ("Ruelas") and BOOK 3 LLC (BOOK 3) (Produce Depot, Balzano, Ruelas and BOOK 3 also, collectively, "Counterclaiming Defendants"), by and through their attorneys, The Fierst Law Group, P.C., Timothy J. Fierst appearing, and stipulate as follows:

1. Plaintiff Prometo hereby voluntarily dismisses all claims and causes of action asserted in this case against defendants Produce Depot, Balzano, Ruelas, and BOOK 3, with prejudice.

2. Plaintiff Prometo hereby voluntarily dismisses all claims and causes of action asserted in this case against defendant Michael E. Felix ("Felix"), currently subject to an Order of Default (Doc. 48), without prejudice.

3. Counterclaiming Defendants Produce Depot, Balzano, Ruelas, and BOOK 3 hereby voluntarily dismiss all counterclaims and causes of action asserted in this case against Plaintiff/Counter-Defendant Prometo, with prejudice.

4. Counterclaiming Defendants Produce Depot, Balzano, Ruelas, and BOOK 3 hereby voluntarily dismiss all crossclaims and causes of action asserted in this case against defendant Felix, without prejudice.

5. The parties further stipulate that all pending and outstanding issues in this case are resolved and disposed of pursuant to this Stipulation.

6. This Stipulation may be executed in counterparts, and signature pages delivered by email in pdf format shall be deemed originals. One original counterpart may be composed of a counterpart text plus electronically produced counterpart signature pages for each party appended to this document.

IT IS SO STIPULATED.

Dated: October 24, 2022

/s/ Jeffrey M. Chebot

JEFFREY M. CHEBOT (JC8441)
WHITEMAN, BANKES & CHEBOT, LLC
Suite 210, Constitution Place
325 Chestnut Street
Philadelphia, Pennsylvania 19106
Tel.: (215) 882-3660
Fax: (215) 829-0059

Email: jchebot@wbc-lawyers.com

Attorney for Plaintiff Prometo Produce

Corp.

Dated: October 24, 2022



TIMOTHY J. FIERST (TF3247)
THE FIERST LAW GROUP, P.C.
462 Sagamore Avenue, Suite 2
East Williston, New York 11596
Tel.: (516) 586-4221
Fax: (516) 586-8536
Email: tfierst.law@gmail.com

Attorney for Produce Depot USA, LLC,
Gaetano Balzano, Luis A. Ruelas and
BOOK 3 LLC